

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WILLIAM FRANCIS FENTON, :
: Plaintiff, : CIVIL ACTION NO. 18-5484
v. :
: Defendants. :
PENNSYLVANIA DEPARTMENT OF :
CORRECTIONS and PROBATION AND :
PAROLE, :

ORDER

AND NOW, this 31st day of January, 2019, after considering the application for leave to proceed *in forma pauperis* and complaint filed by the *pro se* plaintiff, William Francis Fenton (“Fenton”) (Doc. Nos. 2, 6); and for the reasons set forth in the separately filed memorandum opinion, it is hereby **ORDERED** as follows:

1. The application for leave to proceed *in forma pauperis* (Doc. No. 6) is **GRANTED** and Fenton has leave to proceed *in forma pauperis*;
2. The complaint (Doc. No. 2) is **DEEMED** filed;
3. The complaint is **DISMISSED WITHOUT PREJUDICE**;
4. Fenton has leave to file an amended complaint against a proper individual or entity within thirty (30) days of the date of this order. Any amended complaint must name all the defendants in the caption and must clearly explain how the defendants were involved in violating Fenton’s rights. Any amended complaint shall not pursue claims against the Pennsylvania Department of Corrections, “Probation and Parole” (whether Pennsylvania’s Board of Probation and Parole or a county’s probation and parole department), and SCI-Graterford. Upon the filing of an amended complaint, the clerk of court shall not make service until so ordered by this court;

5. The clerk of court is **DIRECTED** to send Fenton a copy of this court's form complaint to be used by *pro se* litigants for filing a civil action bearing the above-captioned civil action number. Fenton may use this form to prepare an amended complaint; and

6. If Fenton fails to file an amended complaint, the court may dismiss his case without prejudice for failure to prosecute without further notice.

BY THE COURT:

/s/ *Edward G. Smith*
EDWARD G. SMITH, J.